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THE EXPLOSIVES ACT, 1875,
AND
THE ORDERS IN COUNCIL
OF 20TH APRIL, 1883:
THEIR PREJUDICIAL EFFECT
ON
MINING AND QUARRYING,
AND THE
ENCOURAGEMENT THEY GIVE TO FENIANS.

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1883.





THE EXPLOSIVES ACT, 1875,

AND

THE ORDERS IN COUNCIL

OF 20TH APRIL, 1883.

WHEN the "Nitro-Glycerine Act, 1869," was passed, very little was known about Dynamite, except that it was a compound containing 75 per cent. of liquid Nitro-Glycerine, and it was assumed and believed to be quite as dangerous as Nitro-Glycerine itself. Several fearful accidents had taken place from liquid Nitro-Glycerine, including one at Newcastle-on-Tyne, when several lives were lost, and another at Cwm-y-Glo, near Llanberis, when two carts containing three-quarters of a ton of Nitro-Glycerine exploded on a turnpike road, consequent on a single case having fallen from one of the carts, and several persons, including the carters and some passengers along the road, were killed. This latter accident caused a great sensation, and Parliament proceeded to legislate under the influence of panic. A Bill was introduced into the House of Commons, read a second time,

and passed through committee, when Mr. Bruce, now Lord Aberdare, who was then Home Secretary, gave notice of a motion to recommit the bill, and strike out all the clauses except the first, which declared that the bill should remain in force until the end of the then next Session of Parliament, and to substitute other clauses in lieu thereof. The bill was deferred until the month of August, the very end of the Session, and at about half-past three o'clock in the morning it was recommitted, and Mr. Bruce moved that all the clauses in the bill, including the first, should be expunged, and those of which he had given notice substituted, and, after some opposition, the motion was adopted. The bill was then read a third time, and carried up to the House of Lords, where it was immediately read a first time. It had not been printed when it came on for a second reading, and its contents were imperfectly known. It placed Dynamite, and every substance having Nitro-Glycerine as one of its component parts, or ingredients, on the same footing as liquid Nitro-Glycerine, and prohibited any person from having in his possession, or using, any of these explosives without a license from one of Her Majesty's principal Secretaries of State. The bill was entitled "An Act to prohibit *for a limited period* the importation, and to restrict and regulate the carriage of Nitro-Glycerine."

When the bill came on for the second reading before the House of Lords, objections were taken to Dynamite

being included within its provisions, on the ground of its being a really safe explosive, much safer in some respects than gunpowder ; but Earl Morley, who represented the Home Office in the House, assured their Lordships that the bill was limited in point of time, and must necessarily come before them again during the following Session of Parliament, and if any amendment were insisted on, it would be fatal to the bill, that being the last day it could be dealt with; and on this assurance the Bill passed through all its remaining stages and received the Royal assent the following day. It was not until it was printed that the incorrectness of Earl Morley's statement was discovered, and the "Nitro-Glycerine Act" remained in force until it was repealed by the "Explosives Act, 1875."

The extreme prejudice which for a time existed against Dynamite soon passed away, as it was found to be a most valuable explosive for industrial purposes, where blasting of rock was required, and that instead of being so dangerous as was originally supposed, it was in fact much safer to use, carry, and store, than gunpowder, since if it came in contact with a spark or fire, it would burn away instead of exploding. Professor Sir F. A. Abel, C.B., F.R.S., the greatest authority on explosives, in a lecture which he delivered before the Institution of Civil Engineers on the 14th day of May, 1872, and afterwards published, described Dynamite as being "One of the safest, most powerful, and most convenient explosive agents applicable to industrial purposes." Notwithstanding the

restrictions placed on the use of Dynamite by the "Nitro-Glycerine Act, 1869," it became a very general favourite as a blasting agent with miners and quarrymen ; and Dr. Le Neve Foster, F.G.S., the Government Inspector of Mines for Cornwall, in his Report for the year ending 31st December, 1875, said :—

"It is satisfactory to note that not a single fatal accident occurred while Dynamite was being used, although large quantities of this strong Explosive are employed in my district."

A Committee having been appointed by the War Office in September, 1871, to inquire into the merits of Gun Cotton, the inquiry was, at the request of the Home Secretary, afterwards extended to Dynamite, and this Committee having made numerous severe and exhaustive experiments, issued a Report, dated 4th December, 1873, wherein they reported strongly in favour of properly manufactured Dynamite, which they described as "a valuable explosive agent, and that it might be manufactured, stored, and transported, subject to the existing regulations."

Colonel Majendie, R.A., C.B., Her Majesty's Chief Inspector of Explosives, in his Report to the Home Secretary, dated 4th April, 1874, after referring to "the safer applications of Nitro-Glycerine, such as well-made Dynamite," proceeded to say—"The time has, in my opinion, come when it will be proper to place safe and approved

descriptions of Nitro-Glycerine preparations broadly upon a similar footing to Gunpowder."

The restrictions imposed on the use of Dynamite by the "Nitro-Glycerine Act, 1869," still remained, and were found to be so onerous and prejudicial to the mining and quarrying industries of the country, that loud complaints were made, and a Select Parliamentary Committee was appointed, on the 16th April, 1874, of which Admiral Sir John Hay, Bart., was Chairman, to enquire into the subject, and, generally, as to the manufacture and storage, &c., of Explosives, with a due regard to the necessities of trade.

This Committee, after examining numerous scientific, military, and other witnesses, made a Report, dated the 26th June, 1874, wherein they stated that "the law relating to the keeping of some preparations of Nitro-Glycerine is unnecessarily restrictive, as compared with the legislation relating to other Explosives," and the Report set out the short particulars of the provisions which, in the opinion of the Committee it was expedient to enact, and expressed their belief "that the legislation thus indicated would add materially to the public safety, with a due regard to the necessities of trade." These provisions formed the basis of the "Explosives Act, 1875."

Liquid Nitro-Glycerine was admittedly a dangerous explosive, and it was thought probable that other specially

dangerous explosives might, in these days of research and invention, be discovered, and this was provided for by the 43rd section of the Act; the marginal note of which is—"Power to prohibit manufacture, importation, storage, and carriage of specially dangerous explosives." This section was clearly not intended to apply to Dynamite, the merits and properties of which had been fully investigated by the Select Committee, and the restrictions on which they found to be unreasonable, and proposed to relax.

The Orders in Council, of 20th April, 1883, however, profess to be issued under the authority of this 43rd section of the Explosives Act, and they declare Dynamite, and similar explosives, (not the improper use of them) to be of so dangerous a character, that it is expedient for the public safety to make such Orders, and they proceed to impose in a more objectionable form than was done by the "Nitro-Glycerine Act, 1869," restrictions similar to those which were repealed by the "Explosives Act, 1875." These new Orders in Council require every person who keeps any, no matter how small a quantity of Dynamite, or similar explosives, for private use, including every sportsman who uses Schultze's, or E. C. Powder, to obtain a certificate from the Police that he is a fit person to keep such explosive, and the largest quantity he can keep at any time is limited to 10 lbs.

All miners and quarrymen who find it necessary to use

these strong explosives, and a more loyal class are not to be found in the Kingdom, are by this means placed under the surveillance of the police. The Chief Constable cannot himself know every miner and quarryman in his District, and must depend on the Reports of his subordinate policemen, who may, from prejudice or favour, make a report on the character of some applicants for certificates not of the most reliable kind, and although an appeal is allowed to a Court of Summary Jurisdiction, yet a miner or quarryman cannot afford to lose the time, and incur the cost, of such an appeal.

It will be seen that the Orders in Council do not apply to Gunpowder, though Gunpowder may be used with powerful effect for malicious purposes. It was Gunpowder which was used by the Fenians in the explosion at Clerkenwell Prison, and although it produces an effect somewhat different from Dynamite, it is in some respects more destructive.* An explosion of Dynamite is sharper, quicker, and more local in its operation than Gunpowder, but Gunpowder produces a much larger body of flame, and if exploded inside any building is almost certain to occasion a conflagration, and is in this respect much more dangerous than Dynamite.

It has never yet been ascertained that any Dynamite manufactured by a licensed maker, and disposed of in the ordinary course of trade, has been used by any of the

* See Note at page 12.

miscreants who have occasioned the late malicious explosions; and, on the contrary, it appears that these Fenian rascals, not being able to obtain such explosives in any other way, have been obliged to manufacture them themselves, and of a much more dangerous character than ordinary Dynamite.

Parliament has by the "Explosive Substances Act, 1883," declared it to be felony, subject to penal servitude, to manufacture, or use, explosive substances, to endanger life, or cause serious injury to property, and it is difficult to understand the object with which the new Orders in Council were issued. The penalties attached to any breach of them are quite inadequate to deter any Fenian, or evil-disposed person, from disregarding them, while they must occasion great annoyance, if not loss, to every one requiring to use for legitimate purposes the explosives to which they apply.

It cannot be supposed that any Fenian, or other person, who intended to use any Nitro-Glycerine compound for illegal purposes, would be such a simple-minded innocent as to apply to the Chief Constable of his District for a certificate, and thus draw the attention of the police to his movements; and, it follows, that these new Orders can be of *no service either in preventing, or detecting crime*. They only interfere with loyal subjects and tend to paralyse trade, and impede all mining, and quarrying operations, including the making of railways, docks, and

other public works, where blasting operations are necessary.

Colonel Majendie, in an article which has just appeared in the *Fortnightly Review*, says—"It cannot be too strongly stated that many of the apprehensions which obtain as to the probable effects of Dynamite, or other Nitro - Glycerine preparations are extravagantly exaggerated." "The apprehensions as to 'blowing up' *en bloc*, of large and well-built public buildings, and, still more, the apprehensions as to the levelling of considerable areas of the metropolis by the explosion of an amount of Nitro-Glycerine capable of being contained and carried in a portmanteau, would be ludicrous, were it not for the state of public uneasiness, and even panic, to which they have given rise." "It may be assumed that the object of those who try to blow up Government Offices, and commit similar outrages, is to produce a general feeling of National *malaise*. *This could hardly be more successfully accomplished than by throwing a score of important trades into confusion, and placing an equal number of industries in fetters.* This point is one to which it may not be out of place at the present time to direct particular attention." Just so! O'Donovan Rossa, and his myrmidons, openly avow that their object is to harass and frighten the Government, and to create a general panic, and these new Orders in Council prove that they have succeeded far beyond what they could have expected, and are a direct encouragement to them to continue their mischievous and

detestable proceedings. What could possibly be more gratifying or encouraging to them than to find that certain members of the Government have been terribly frightened and alarmed at the comparatively harmless explosion* which took place at the Office of the Local Government Board, and that Her Majesty has, on the advice of her Privy Councillors, been induced to concur in the issue of Orders which cannot possibly harm them, or interfere with their miserable proceedings, but must tend to fetter some of the most important industries of the country, and harass and annoy peaceful and loyal citizens.

Since the above was in type, the author has learned that the Home Secretary proposes that every Factory Magazine, and Store, and all premises registered for keeping Explosives, should be watched and protected,

* This Dynamite explosion occasioned no injury either to life or limb, and the damage caused to the solid building was so slight that it may be repaired at the cost of about £150 or £200. The consequences of the explosion of a barrel of 50lbs. of gunpowder at Clerkenwell Prison, in December, 1867, were very much greater, being officially stated to be as follows:—"Six persons were killed outright; six more died subsequently; five in addition owed their deaths to the same cause; forty mothers were prematurely confined, and twenty of their babies were born dead; one hundred and twenty persons were wounded, of whom fifteen were permanently injured through loss of eyes, legs, or arms; while the damage to property and person was estimated as amounting to not less than twenty thousand pounds."

day and night, at the cost of the owners. Such a proposition appears to be almost incredible.

According to the last Annual Report of Her Majesty's Inspectors of Explosives laid before Parliament, there were at the end of the year 1881 :—

Factories	.	.	.	.	86
Magazines	.	.	.	.	317
Stores	.	.	.	.	2045
Registered Premises.	.	.	.	.	15669
Total					<u>18117</u>

Factories consist of numerous detached buildings, frequently of wood with open sheds, and many of them are watched day and night, to guard against fire, the intrusion of strangers, and theft of goods not locked up ; but so to watch and protect Stores, and ordinary Magazines, which are substantially built and securely fastened and locked up, is quite out of the question. The great majority of these Stores are licensed for two tons of gunpowder, or one ton, or less, of mixed explosives. and it constantly happens that they, and also Magazines licensed for larger quantities, contain less than one hundred weight.

It would require about 36,000 men to watch, day and night, all the depôts referred to in Sec. 23 of the

Explosives Act. allowing 12 hours to each man, and the cost would be excessive—in many cases exceeding the value of the Explosives, and also of the buildings containing them.

All Factories, Magazines, and Stores, are purposely erected in the most isolated places that can be found in the neighbourhood of the works for which the explosives are required, and far removed from all dwelling-houses and places of resort, and some of them are in such exposed situations that in winter they are snowed up for weeks together, and any watchman must be provided with a hut and fire, otherwise he would during the winter nights be frozen to death. If a band of Fenians, or other disloyal persons, determined to pillage any Magazine or Store, a single watchman would easily be overpowered, and bound hand and foot, while the contents of the Store were carried off, without any risk of his cries being heard from his isolated position.

It is the duty of the Police to protect all property, including warehouses, and other buildings containing any goods or merchandise, whether corn, cotton, silk, or explosives. Every owner pays rates for this protection, and is entitled to it. Extra Policemen have been appointed, at the cost of the Ratepayers, for the protection of the persons of Ministers, and of Public Buildings, and if the exigencies of the present time require that all stores containing explosives should also be constantly watched

(although there seems to be nothing to justify such a conclusion), it rests with the Government to see that this is done by the Police. To throw this extra charge on manufacturers or vendors of explosives, or on Mine and Quarry Owners, and others using explosive agents, would simply be to prohibit the use of the explosives to which any legislation in this direction might apply, and still further to cripple all those industries where the use of strong blasting compounds are necessary, and probably cause numerous Mines in Cornwall and elsewhere, and other important undertakings, to be abandoned.

















